



2401 Camelot Ct SE | Grand Rapids, MI 49546 | gsanchez@maullaw.com | (616) 888-1894

Dear Federal Communications Commission:

My name is Gabriel S. Sanchez and I am an attorney in Michigan who has been licensed for over 10 years. Prior to entering private practice, I was a faculty fellow at DePaul University College of Law where I taught aviation, trade, and general government regulation. In both my academic and practical experience, I have seen first-hand the need for fair but robust government enforcement of regulatory protections for those who are the most vulnerable in the market. The Telephone Consumer Protection Act (TCPA) is just such a protection.

As it stands, numerous industries that rely upon so-called “robocalling” to harass consumers are attempting to persuade this Commission into promulgating a definition of an automated telephone dialing system (ATDS) which, *inter alia*, would exclude most if not all ATDSs currently in use and allow industries that leverage robocalling to excuse themselves from the TCPA if their calls use minimal human intervention. Don’t let them. The TCPA was enacted to *protect consumers* not shield industries with business models predicated on harassment. With regular changes in technology, it has been necessary for government agencies and the courts to give a broad reading to the definition of an ATDS under the TCPA. In so doing, all consumers benefit.

Bringing private suits against TCPA scofflaws helps discipline robocall-reliant industries across the board with positive externalities for all consumers, even those who have not been harassed. By sending a clear message to violators that their actions will come with stiff penalties, some industries and actors are taking care to respect the terms of the TCPA and leave consumers alone. That is far from universally true, however. Year after year corporations find new ways to try and skirt the ATDS definition in the TCPA, thus requiring time-consuming and costly litigation to determine what, in truth, they are up to. Now it appears that robocallers no longer wish to utilize technology to violate the law; they want to eviscerate the law itself in order to give them a clear advantage over those the TCPA was always intended to protect.

It is incumbent upon this Commission to uphold the purpose of the TCPA and deny any adopting any definition of an ATDS that would limit the scope of the statute. If anything, this Commission should look to how the definition of an ATDS can be refined to clearly capture all current and foreseeable technologies that would allow companies to harass consumers either by the phone or through SMS texting.

Sincerely,

Gabriel S. Sanchez (P71261)